

ORIGINAL

1 LEONARDO M. RAPADAS  
United States Attorney  
2 MARIVIC P. DAVID  
Assistant U.S. Attorney  
3 Suite 500, Sirena Plaza  
108 Hernan Cortez Ave.  
4 Hagåtña, Guam 96910  
Tel: (671) 472-7332/7283  
5 Fax: (671) 472-7334

6 Attorneys for the United States of America

**FILED**  
DISTRICT COURT OF GUAM  
MAR - 7 2006  
MARY L.M. MORAN  
CLERK OF COURT

7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF GUAM**  
9

10 UNITED STATES OF AMERICA, )  
11 )  
Plaintiff, )  
12 )  
vs. )  
13 )  
14 ERIC REYES BORJA, and )  
SEAN MICHAEL COLE )  
15 a/k/a SHAWN COLE, )  
16 Defendants. )

CRIMINAL CASE NO. 05-00049

**UNITED STATES' MOTION  
TO DISMISS SUPERSEDING  
INDICTMENT**

17 COMES NOW the plaintiff, United States of America, by and through its undersigned  
18 attorney, and moves that the Superseding Indictment in the above cause, as to defendant SEAN  
19 MICHAEL COLE a/k/a SHAWN COLE, be dismissed, for the reason that the defendant entered  
20 a plea of guilty to an Indictment on August 16, 2005, under Criminal Case No. 05-00039, which  
21 said Indictment incorporated similar criminal acts.

22 RESPECTFULLY submitted this 7<sup>th</sup> day of March, 2006.

23  
24 LEONARDO M. RAPADAS  
United States Attorney  
Districts of Guam and NMI

25  
26 By: 

27 MARIVIC P. DAVID  
Assistant U.S. Attorney  
28